

AMENDED IN ASSEMBLY JUNE 1, 2006

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1843**

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**Introduced by Committee on Natural Resources and Water  
(Senators Kuehl (Chair), Aanestad, Kehoe, Lowenthal,  
Machado, Margett, and Migden)**

March 7, 2006

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An act to amend Sections 30233, 30265, 30333.1, 30333.2, and 30340.5 of, to add Section 30601.3 to, and to repeal Sections 30342, 30343, 30608.5, and 30713 of, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1843, as amended, Committee on Natural Resources and Water. Coastal resources: California Coastal Act.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act. Existing law allows the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, within the coastal zone, in specified areas and under prescribed conditions.

This bill would eliminate the authority for these activities in wetland areas for entrance channels for boating facilities and in a degraded wetland for boating facilities.

Existing law requires each local government lying within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. Existing law requires a person who is to perform or undertake a development, as defined, to obtain from a local

government and, under certain circumstances, from the California Coastal Commission, a coastal development permit authorizing the development.

This bill would authorize the commission to process and act upon a consolidated coastal development permit application—~~when if~~ a proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission, and ~~if~~ the applicant, local government, and commission agree to ~~consolidation~~ *consolidate the permit action, provided public participation is not substantially impaired.*

The bill would also delete various obsolete provisions in the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 30233 of the Public Resources Code is  
2     amended to read:  
3     30233. (a) The diking, filling, or dredging of open coastal  
4     waters, wetlands, estuaries, and lakes shall be permitted in  
5     accordance with other applicable provisions of this division,  
6     where there is no feasible less environmentally damaging  
7     alternative, and where feasible mitigation measures have been  
8     provided to minimize adverse environmental effects, and shall be  
9     limited to the following:  
10    (1) New or expanded port, energy, and coastal-dependent  
11    industrial facilities, including commercial fishing facilities.  
12    (2) Maintaining existing, or restoring previously dredged,  
13    depths in existing navigational channels, turning basins, vessel  
14    berthing and mooring areas, and boat launching ramps.  
15    (3) In open coastal waters, other than wetlands, including  
16    streams, estuaries, and lakes, new or expanded boating facilities  
17    and the placement of structural pilings for public recreational  
18    piers that provide public access and recreational opportunities.  
19    (4) Incidental public service purposes, including, but not  
20    limited to, burying cables and pipes or inspection of piers and  
21    maintenance of existing intake and outfall lines.  
22    (5) Mineral extraction, including sand for restoring beaches,  
23    except in environmentally sensitive areas.  
24    (6) Restoration purposes.

1 (7) Nature study, aquaculture, or similar resource-dependent  
2 activities.

3 (b) Dredging and spoils disposal shall be planned and carried  
4 out to avoid significant disruption to marine and wildlife habitats  
5 and water circulation. Dredge spoils suitable for beach  
6 replenishment should be transported for these purposes to  
7 appropriate beaches or into suitable longshore current systems.

8 (c) In addition to the other provisions of this section, diking,  
9 filling, or dredging in existing estuaries and wetlands shall  
10 maintain or enhance the functional capacity of the wetland or  
11 estuary. Any alteration of coastal wetlands identified by the  
12 Department of Fish and Game, including, but not limited to, the  
13 19 coastal wetlands identified in its report entitled, "Acquisition  
14 Priorities for the Coastal Wetlands of California", shall be  
15 limited to very minor incidental public facilities, restorative  
16 measures, nature study, commercial fishing facilities in Bodega  
17 Bay, and development in already developed parts of south San  
18 Diego Bay, if otherwise in accordance with this division.

19 For the purposes of this section, "commercial fishing facilities  
20 in Bodega Bay" means that not less than 80 percent of all boating  
21 facilities proposed to be developed or improved, where the  
22 improvement would create additional berths in Bodega Bay, shall  
23 be designed and used for commercial fishing activities.

24 (d) Erosion control and flood control facilities constructed on  
25 watercourses can impede the movement of sediment and  
26 nutrients that would otherwise be carried by storm runoff into  
27 coastal waters. To facilitate the continued delivery of these  
28 sediments to the littoral zone, whenever feasible, the material  
29 removed from these facilities may be placed at appropriate points  
30 on the shoreline in accordance with other applicable provisions  
31 of this division, where feasible mitigation measures have been  
32 provided to minimize adverse environmental effects. Aspects that  
33 shall be considered before issuing a coastal development permit  
34 for these purposes are the method of placement, time of year of  
35 placement, and sensitivity of the placement area.

36 SEC. 2. Section 30265 of the Public Resources Code is  
37 amended to read:

38 30265. The Legislature finds and declares all of the  
39 following:

1 (a) Transportation studies have concluded that pipeline  
2 transport of oil is generally both economically feasible and  
3 environmentally preferable to other forms of crude oil transport.

4 (b) Oil companies have proposed to build a pipeline to  
5 transport offshore crude oil from central California to southern  
6 California refineries, and to transport offshore oil to out-of-state  
7 refiners.

8 (c) California refineries would need to be retrofitted if  
9 California offshore crude oil were to be used directly as a major  
10 feedstock. Refinery modifications may delay achievement of air  
11 quality goals in the southern California air basin and other  
12 regions of the state.

13 (d) The County of Santa Barbara has issued an Oil  
14 Transportation Plan that assesses the environmental and  
15 economic differences among various methods for transporting  
16 crude oil from offshore California to refineries.

17 (e) The Governor should help coordinate decisions concerning  
18 the transport and refining of offshore oil in a manner that  
19 considers state and local studies undertaken to date, that fully  
20 addresses the concerns of all affected regions, and that promotes  
21 the greatest benefits to the people of the state.

22 SEC. 3. Section 30333.1 of the Public Resources Code is  
23 amended to read:

24 30333.1. ~~(a)~~—The commission shall periodically review its  
25 regulations and procedures and determine what revisions, if any,  
26 are necessary and appropriate to simplify and expedite the review  
27 of any matter that is before the commission for action pursuant to  
28 this division. The commission shall implement, *within 60 days of*  
29 *the review*, any revisions it determines to be appropriate, so that  
30 its regulations and procedures may continue to be as simple and  
31 expeditious as practicable.

32 SEC. 4. Section 30333.2 of the Public Resources Code is  
33 amended to read:

34 30333.2. Notwithstanding any other provision of law and  
35 except as provided in the State Building Standards Law, Part 2.5  
36 (commencing with Section 18900) of Division 13 of the Health  
37 and Safety Code, the commission shall not adopt nor publish a  
38 building standard, as defined in Section 18909 of the Health and  
39 Safety Code, unless the provisions of Sections 18930, 18933,  
40 18938, 18940, 18943, 18944, and 18945 of the Health and Safety

Code are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated. A building standard adopted in violation of this section shall have no force or effect. A building standard expressly required by a provision of federal law, specifically requiring that building standard, shall be adopted and published in the State Building Standards Code within the time required by federal law.

SEC. 5. Section 30340.5 of the Public Resources Code is amended to read:

30340.5. (a) It is the policy of the state that no less than 50 percent of funds received by the state from the federal government pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); shall be used for the preparation, review, approval, certification, and implementation of local coastal programs.

(b) A local government subject to this division may claim reimbursement of costs incurred as a direct result of the operation of or any requirement promulgated pursuant to this division. Notwithstanding any other provision of law, a claim for reimbursement of mandated costs directly attributable to the operation of this division shall only be submitted, reviewed, and approved in the manner set forth in this section.

(c) A claim pursuant to this section shall be submitted to the executive director of the commission no later than September 30. The executive director shall review the claim in accordance with this section and shall submit the claim to the Controller within 60 days after receipt of a claim but in no event later than November 30.

(d) A claim submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. The forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by subdivision (e). The forms shall clearly set forth information requirements for the evaluation of the following categories of costs:

(1) Costs for work relating to the preparation, review, and approval of a local coastal program or a portion of a program.

(2) Costs for work that is not covered by paragraph (1).

1 The claim forms required by this section shall provide for  
2 claims of actual costs incurred during the fiscal year preceding  
3 submittal and for the costs the claimant local government  
4 estimates will be incurred during the then current fiscal year.

5 (e) The executive director shall review and evaluate each  
6 claim submitted pursuant to this section and shall determine  
7 whether:

8 (1) The costs claimed are not paid for or reimbursed from any  
9 other source of state or federal funding.

10 (2) The costs are for work which is the direct result of and is  
11 mandated by the operation of this division or by the commission  
12 or whether the work is optional.

13 (3) With respect to costs specified in paragraph (1) of  
14 subdivision (d), the work done or to be done is reasonable and  
15 necessary for the preparation and approval of a local coastal  
16 program pursuant to a local coastal program work program  
17 approved by the commission, or for work which is not part of an  
18 approved work program if the work can be shown to be  
19 necessary for the completion of a certifiable local coastal  
20 program or if new information or other circumstances cause the  
21 commission to require that the work be carried out.

22 (f) The executive director of the commission shall submit to  
23 the Controller, on behalf of each claimant local government, all  
24 claims submitted pursuant to this section together with his or her  
25 recommendation whether the Controller should allow or deny, in  
26 whole or in part, the claim. The executive director's  
27 recommendation shall be based on his or her determinations  
28 made pursuant to subdivision (e). If the executive director fails to  
29 make a recommendation by the time a claim is required to be  
30 submitted to the Controller as provided in subdivision (c), the  
31 executive director is deemed to have recommended approval of  
32 the claim.

33 (g) Section 17561 of the Government Code shall apply to a  
34 claim filed pursuant to this section. However, where a conflict  
35 between Section 17561 of the Government Code and this section  
36 occurs, the conflict shall be resolved in a manner that best carries  
37 out the purposes of this section. The Controller shall apply the  
38 criteria of subdivision (e) in determining whether to allow or  
39 deny, in whole or in part, a claim and shall consider the  
40 recommendations of the executive director of the commission.

1 SEC. 6. Section 30342 of the Public Resources Code is  
2 repealed.

3 SEC. 7. Section 30343 of the Public Resources Code is  
4 repealed.

5 SEC. 8. Section 30601.3 is added to the Public Resources  
6 Code, to read:

7 30601.3. (a) ~~The~~ *Notwithstanding Section 30519, the*  
8 commission may process and act upon a consolidated coastal  
9 development permit application ~~under both of the following~~  
10 ~~circumstances~~ *if both of the following criteria are satisfied:*

11 (1) A proposed project requires a coastal development permit  
12 from both a local government with a certified local coastal  
13 program and the commission.

14 (2) The applicant, the appropriate local government, and the  
15 commission, which may agree through its executive director,  
16 consent to consolidate the permit action, provided that public  
17 participation is not substantially impaired by that review  
18 consolidation.

19 (b) The standard of review for a consolidated coastal  
20 development permit application submitted pursuant to  
21 subdivision (a) shall follow Chapter 3 (commencing with Section  
22 30200), with the appropriate local coastal program used as  
23 guidance.

24 (c) The application fee for a consolidated coastal development  
25 permit shall be determined by reference to the commission's  
26 permit fee schedule.

27 (d) To implement this section, the commission may adopt  
28 guidelines, in the same manner as interpretive guidelines adopted  
29 pursuant to paragraph (3) of subdivision (a) of Section 30620.

30 SEC. 9. Section 30608.5 of the Public Resources Code is  
31 repealed.

32 SEC. 10. Section 30713 of the Public Resources Code is  
33 repealed.